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Interview of Ambassador Edward M. Gabriel, Former U.S. Ambassador to the Kingdom of Morocco

By Joseph Khawam

On June 17, 2011, King Mohammed VI of Morocco announced a series of proposed amendments to the country's constitution. The announcement followed a three-month review of the Moroccan constitution at the order of the King, after protest calling for reform began in February 2011. The Moroccan constitutional reforms are significant and unprecedented in the Arab world, as King Mohammed VI is clearly attempting to get in front of the demands for change sweeping the Middle East. Some skepticism remains, however, as to the extent of constitutional checks placed on the King's powers and whether Morocco will become a true constitutional monarchy.

Ambassador Edward M. Gabriel - the United States Ambassador to the Kingdom of Morocco from November 1997 to March 2001 - discussed the constitutional reforms with *Foreign Policy Digest*. Ambassador Gabriel is currently President and Chief Executive Officer of The Gabriel Company, LLC, where he advises a number of American corporations and governments in the Middle East and North Africa - including the Moroccan government - on international business projects and policy matters. He is also a Visiting Fellow at the Center for Strategic and International Studies (CSIS), a founding member of the American Task Force for Lebanon (ATFL), and a board member of numerous organizations.

Ambassador Gabriel's answers follow the questions that *Foreign Policy Digest* posed to him.

1. What events precipitated the constitutional reforms announced by King Mohammed VI on June 17? What is the February 20 movement?

Morocco has been undertaking extensive political, social and economic reforms for the past two decades and the pace of those reforms was substantially accelerated over the last ten years. Among the most notable aspects already in place before the new constitutional reforms:

- two sets of national and local elections that were recognized by international observers as free and fair;
- a thorough reform of the family law that granted women equal standing before the law in matters of marriage, divorce, inheritance and other important measures that contribute to women's rights;
- the completion of an Equity and Reconciliation Commission, including public and televised hearings, into past human rights abuses in the country wherein the State recognized its responsibilities and has compensated victims of abuse;
- the establishment of independent human rights institutions to promote a culture of respect for human rights and the rule of law and to investigate allegations of abuse;
- the establishment of generously funded national initiatives, such as the Human Development Initiative, designed to reach out to improve the quality of life and economic opportunities for Morocco's most disadvantaged urban and rural populations;
- housing programs designed to eliminate shanty towns in Morocco by 2015;
- new emphasis on the education of women, especially young girls in rural areas; and
- an aggressive efforts to attract foreign direct investment to provide jobs for young Moroccans.

The King's proposals of March 9 to establish a new Constitution for Morocco that would further this process of political reform was in keeping with this well established pattern to create a new more modern and democratic Morocco from which the King has made clear that "there is no turning back."

Feb 20 began as a core group of young people who motivated others to join, including trade unions, and academics; people from all strata of society concerned with jobs, transparency, and power sharing. While their agenda reflects many of the concerns of the Moroccan people, there is no consensus around a preferred set of solutions. And there are signs that the organizers have steadily lost ground to better organized Islamists and leftists with far more radical goals that were not part of the original Feb 20 demands.

2. The King appointed a commission of experts who advised on the constitutional reforms. Who were the individuals appointed to this commission? Who did they consult during the process?

Consultations were extensively conducted by the Commission and included political parties, labor organizations, human rights NGOs, women's advocacy groups, youth organizations, lawyers associations, employers associations and were also open to public comment and recommendations through a widely publicized webpage designed to allow individuals to contribute to the process www.reforme.ma.

Below is a list of the members of the commission; their bios are accessible through the link.

Abdeltif Mennouni – chair, Omar Azziman, Abdellah Saaf, Driss El Yazami, Mohamed Tozy, Amina Bouayach, Ahmed Harzeni, Rajae Mekkaoui, Nadia Bernoussi, Albert Sasson, Abderrahmane Liebek, Lahcen Oulhaj, Brahim Semlali, Abdelaziz Lamghari, Mohamed Berdouzi, Amina Messoudi, Zineb Talbi, Mohamed Said Bennani, and Najib Ba Mohamed

<http://www.lematin.ma/actualite/journal/Article.asp?idr=110&id=148020>

3. Some critics have argued that elected representatives of the Moroccan people should have drafted the amendments to the constitution. Why were popularly elected representatives not tasked with amending the constitution?

It is not unusual for a council of experts to work on a draft for a new constitution. This is regular practice in many countries around the world. Elected representatives were consulted during the drafting process. What is fundamentally important is that the people of Morocco be given the opportunity to pass judgment on the outcome through a popular vote on whether to accept the proposals. As King Mohammed VI made clear in his speech March 9, it is the people of Morocco who will "have the final say."

4. What are the primary proposed amendments to the Moroccan constitution with respect to the separation of government powers? What powers remain vested in the King? Will he have any role in the legislative process?

- a strong Parliament that will exercise legislative power, enact laws, control the Government and assess public policies;
- effective parliamentary control mechanisms, including motion of censure, committees of inquiry, referral to the Constitutional Court, convening of special sessions;
- the prime minister is replaced by a head of government, appointed from the party that wins the general elections;
- the head of government is answerable only to the House of Representatives;
- the true head of government, not just foremost minister; leads the cabinet, manages the administration, enjoys extensive prerogatives in the appointment of senior civil servants;
- the head of government can dissolve Parliament;
- the King may also dissolve Parliament – after consultation with Head of Government; and
- the King retains control over national security and religious affairs.

5. What are the primary proposed amendments to the Moroccan constitution with respect to freedoms and human rights? What steps are being taken to ensure the independence of the judiciary?

Human Rights

- prohibiting all forms of discrimination on the basis of sex, color, creed, culture, social or regional background, language or disability;
- ratifying a charter of fundamental rights recognizing primacy of international conventions by the Kingdom;
- setting up of an Authority for the achievement of gender parity and the fight against all forms of discrimination; and
- using legislation to implement affirmative action measures to encourage access to elected office for women.

Judicial Independence

- The Judiciary becomes an independent power, ensuring genuine protection of rights and guaranteeing compliance with the law;
- Interference in the work of judges or any kind of pressure will be prohibited;
- status of judges will be reinforced by an organic law; and
- true Constitutional Court will have extended power to check the constitutionality of legislation.

6. Do you believe that Moroccan citizens will notice a practical difference in the way they are governed and the way they live their lives over the coming years as a result of these amendments? In what way?

The new constitution provides the people of Morocco more direct control of the nation's public policy choices by strengthening the authority of their elected representatives and enshrining in the constitution new institutions concerning human rights and economic and social development that will surely have a direct and positive impact on their daily lives.

7. What has been the reaction of the Moroccan people to the proposed constitutional amendments?

The initial reactions of the vast majority of Moroccans have been overwhelmingly positive. Even many former critics have said that they were surprised at how far King Mohammed VI was prepared to go at this time to strengthen the nation's commitment to democratic rule and social equality.

8. Activists in the February 20 movement have called for fresh protests and have rejected King Mohammed's proposals as insufficient. What further reforms do these opposition groups demand? Do you feel these demands are warranted?

There will always be critics who are not satisfied. While the Monarchy remains deeply popular with the vast majority of Moroccans from all social classes and walks of life, there are, of course, some who will never be content until they see a new Islamic state established in Morocco that corresponds with their idea of purism. Unfortunately, we have had a look at what that provides already in places like Iran and Afghanistan. Others on the extreme left of the political spectrum in Morocco remain nostalgically committed to ideas that history has left behind. However, most Moroccans are deeply committed to moderation and tolerance and understand the critical role that the Monarchy has played in the history of the nation to protect its sovereignty, territorial integrity and to ensure its good governance. That is especially true in present circumstances in the Middle East where Morocco has continued to provide a positive example of how real and progressive reforms can be advanced without the brutality and violence we see elsewhere in the region.

9. The constitutional amendments will be put to a referendum on July 1. Why hold the referendum merely two weeks after the announcement, rather than allowing more time for discussion?

There has been a great deal of discussion in Morocco for the last several years about the process of political reform and how best to ensure that the nation's democratic process might best be advanced. The reforms being proposed in the new Constitution are only in part a product of the work of the Commission. In large measure, they are more a product of the national discussion about political reform that has been at the heart of the nation's public political dialogue for over a decade. We are confident that the Moroccan people are well able to judge whether this new constitution corresponds with their views of how to continue to modernize the country without opening the door to the kind of uncertainty and violence so evident elsewhere in our region.